

REMARKS/ARGUMENTS

Claims 1 and 8 have been amended to more clearly define and distinctly define the present invention. No new matter has been added. Claims 1-12 remain pending.

DRAWINGS

Amendments to the Drawings are attached to this paper and include an replacement sheet 6 removing Figure 6A and 6B.

CLAIM REJECTIONS: 35 USC §112

Claim 1 has been amended to overcome the antecedent issue for the claim limitation “the concave mirror”. Accordingly, Applicants respectfully request that this rejection be withdrawn.

CLAIM REJECTIONS: 35 USC §103

Claims 1-5 and 7 stand rejected as being unpatentable over Diksic et al. (Int. J. Nucl. Med. Biol. 1982, 9, pgs. 283-285) in view of Suzuki et al. (EP0282703B1) and Shiba et al. (US 4,458,302) and further in view of Kihlberg et al. (US2004/0197257A1). Applicants respectfully disagree.

Diksic et al. does not disclose, teach, or suggest utilizing a concave mirror in place of a high pressure mercury vapor lamp. Nor does Suzuki disclose, teach, or suggest using a high

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pressure mercury vapor lamp. Applicants respectfully submit that it is impermissible within

the framework of 35 U.S.C. §103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full

appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443 (Fed. Cir. 1986). (emphasis added).

Applicants also wish to point out that “the prior art itself must provide a motivation or reason for the worker in the art, without the benefit of the Applicant’s specification, to make

necessary changes in the reference device”. See, *Ex parte Chicago Rawhide Manufacturing Co.*, 226 U.S.P.Q. 438 (PTO Bd. App. 1984). Additionally, Kihlberg does not disclose,

suggest, or teach utilizing 11C, 13C, or 14C carbon monoxide enriched gas-mixture for preparing 11C phosgene. Nor does Diksic et al. disclose, teach, or suggest using a high pressure reaction chamber as disclosed in Kihlberg.

In view of the foregoing, it is respectfully submitted that the 35 U.S.C. §103 rejections of claims 1-5 and 7 over Diksic et al. in view of Suzuki et al. and Shiba et al. and further in view of Kihlberg et al. be withdrawn.

Claims 1-12 stand rejected as being unpatentable over Kihlberg et al. (U.S. Patent 7,521,544B2) in view of Diksic et al. Applicants respectfully disagree.

Diksic et al. does not disclose, teach, or suggest utilizing a concave mirror in place of a high pressure mercury vapor lamp. Nor does Kihlberg disclose, suggest, or teach utilizing 11C, 13C, or 14C carbon monoxide enriched gas-mixture for preparing 11C phosgene. Applicants

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respectfully submit that it is impermissible within the framework of 35 U.S.C. §103 to pick

and choose from any one reference only so much of it as will support a given position to the

exclusion of other parts necessary to the full appreciation of what such reference fairly

suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*,

796 F.2d 443 (Fed. Cir. 1986). (emphasis added).

In view of the foregoing, it is respectfully submitted that the 35 U.S.C. §103 rejections of

claims 1-12 over Kihlberg et al. in view of Diksic et al. be withdrawn.

Double Patenting

Claims 1-7 are rejected on the ground of nonstatutory obviousness-type double patenting as

being unpatentable over claims 1-7 of U.S. Patent No. 7,521,544 in view of Diksic et al.

Claims 8-12 are provisionally rejected on the grounds of nonstatutory obviousness-type

double patenting as being unpatentable over claims 8-11 of copending Application No.

12/423,034.

Applicants will file a suitable terminal disclaimer in the event that this application is deemed allowable.

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CONCLUSION

In view of the amendments and remarks herein, Applicants believe that each ground for rejection made in the present application has been successfully overcome, and that all the pending claims, 1-12, are in condition for allowance.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

/Craig Bohlken/
Craig Bohlken
Reg. No. 52,628

GE Healthcare, Inc.
101 Carnegie Center
Princeton, NJ 08540
Phone (609) 514-6530

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